



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

RTP:EDP/OO/WJG
F. #2018R02250

*271 Cadman Plaza East
Brooklyn, New York 11201*

May 27, 2022

By ECF and Email

Andrew Frisch, Esq.
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Re: United States v. Douglas Mackey
Criminal Docket No. 21-80 (NGG)

Dear Mr. Frisch:

This letter is in response to the Court's May 13, 2022 Memorandum and Order ("Order") directing the government to state and clarify the facts that the government intends to prove at trial to establish venue within the Eastern District of New York.

At trial, the government intends to prove the following by a preponderance of the evidence:

- That in the lead up to the 2016 Federal Presidential Election, the members of the conspiracy distributed disinformation about the time, place and manner of voting with the intent to "injure, oppress, threaten and intimidate" voters, which would include voters located the Eastern District of New York;
- That given the method by which the members of the conspiracy distributed this aforementioned disinformation, including by the social media platform Twitter, it was foreseeable that the disinformation would be spread to and through the Eastern District of New York;
- That as a result of the acts by the members of the conspiracy, the aforementioned disinformation was viewed by Twitter users located in the Eastern District of New York; and

